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Secretary (Dockets)
M.S. 1170

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

MAY 15 1995

DOCKET FILE COPY ORIGINAL

IN REPLY REFER TO:

CN9501913

The Honorable Jon Kyl
United States Senator
2200 East Camelback Road
Suite 120
Phoenix, AZ 85016

RECEIVED

MAY 15 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Dear Senator Kyl:

Thank you for your letter of April 20, 1995, regarding an inquiry received from your constituent, Mr. Morton Flom of M. Flom Associates, Inc., concerning our recent proposals, in ET Docket 95-19, to relax the equipment authorization requirements for personal computers. Mr. Flom expressed concerns regarding our proposal to require accreditation of equipment testing laboratories under the National Voluntary Laboratory Accreditation Program (NVLAP) operated by the National Institute of Standards and Technology.

Under our current regulations, all personal computers and peripherals to personal computers must be authorized by the Commission through its certification procedure prior to importation or marketing. This requirement is intended to limit the potential for interference being caused by personal computer systems to television reception, police communications, aircraft control systems, and other radio services.

We have recently received a number of requests to relax the FCC certification requirements for personal computers and peripherals. The Information Technology Industry Council, formerly the Computer and Business Equipment Manufacturers Association, claims that eliminating the Commission authorization for personal computers and peripherals devices would save manufacturers and suppliers of these products \$250 million annually. In response to these requests, we have proposed to eliminate our current equipment authorization process, requiring instead that the manufacturer test its products and self-certify that they comply with our standards. No information would have to be submitted to the Commission for approval.

We believe that it is important under a self-certification program to ensure that laboratories that would test the personal computers and peripherals can adequately perform the testing required. Laboratory accreditation programs, such as NVLAP, can provide this assurance. Our proposal to require NVLAP accreditation was based on a suggestion submitted by the American Council of Independent Laboratories.

The Commission is currently receiving comments on our proposal. Before any final decision is reached, these comments will be reviewed to determine the most effective methods that can be used for laboratory accreditation. We are particularly interested in suggestions from the staff and management of the testing laboratories themselves as to how this can be accomplished.

No. of Copies rec'd _____
List A B C D E _____

2

The Honorable Jon Kyl
Page Two

I am placing a copy of Mr. Flom's concerns in the docket file for our proposal, a copy of which has been enclosed for your information. Please contact me if you wish additional information on this issue.

Sincerely,



Richard M. Smith
Chief
Office of Engineering and Technology

Enclosure

cc: Chief, OET
Rick Engelman
Dockets for inclusion in 95-19 (with copy of incoming) ✓
JAReed/kls/05-09-95

Chief, TRB

Chief, PRD

31030/EQU/4-2-16
1300B4
DOR - 4/28/95
CN 9501913

JON KYL
ARIZONA

702 HART SENATE OFFICE BUILDING
(202) 224-4521

COMMITTEES:

JUDICIARY

INTELLIGENCE

ENERGY AND NATURAL RESOURCES

United States Senate

WASHINGTON, DC 20510-0304

STATE OFFICES:

2200 EAST CAMELBACK ROAD
SUITE 120
PHOENIX, AZ 85016
(602) 840-1891

7315 NORTH ORACLE ROAD
SUITE 220
TUCSON, AZ 85704
(602) 575-8633

April 20, 1995

Ms. Judith Harris
Director of Legislative Affairs
Federal Communications Commission
1919 M Street
Room 808
Washington, DC 20554

Dear Ms. Harris:

The enclosed information is sent for your consideration. Please investigate this matter and forward to me the necessary information for response to my constituent, Mr. Morton Flom.

Please reply to the attention of Mr. Mark Staudohar in my Phoenix office. Thank you for your assistance in this matter.

Sincerely,



JON KYL
United States Senator

JK:mps

Enclosure

M. FLOM ASSOCIATES, INC.3838 N. San Marcos Pl., Suite 107
Chandler, Arizona 85224-1571
(602) 926-3100, FAX: 926-3598

CERTIFIED MAIL, R.R.R.

VIA FAX: 2005 APR 19 2011 1:44
602: 840-4848

April 4, 1995.

Senator John Kyl
363 Russell Senate Office Bldg.,
Washington, DC 20510.

Sir:

We have been operating an electronic test lab since 1963 (in Canada) and since 1973 in Arizona. Our technical/engineering staff have been, and are, accredited by various universities and colleges and professional associations. Our test site, procedures and test lab have been certified as being in compliance with FEDERAL COMMUNICATIONS COMMISSION U.S. COAST GUARD, GOVERNMENT OF CANADA and GOVERNMENT OF NEW ZEALAND requirements from 1973, 1963 and 1994 respectively.

We have been serving clients who desire to market their products in the U.S.A. These clients come from all over the U.S.A. and the world. Our combined expertise, experience exceeds 50 years...See Exhibit 1.

The F.C.C. is proposing that testing laboratories now be accredited by NVLAP (National Voluntary Laboratory Accreditation Program)...See Exhibit 2. If approved, this will

- a. create a quasi-bureaucratic monster
- b. increase testing costs to the consumer
- c. cause serious delays
- d. cause smaller test labs and their employees to suffer and could force them out of business

Initial costs of \$10,000 to \$20,000 are foreseen as well as annual costs of \$5,000 to \$10,000... see Exhibits 3 and 4.

Our study has revealed that in approximately 1990, 20% of the labs were members of NVLAP. In 1995 only approximately 2½% are members...these being the very large labs.

We are vehemently opposed to this proposal by the F.C.C..see Exhibit 5. There are better ways, some of which are outlined on Page 2 of Exhibit 4.

We would appreciate your attention and comments.



MORTON FLOM, P. Eng., President

MF:mgf

MFA M. FLOM ASSOCIATES, INC.3366 N. San Marcos Pl., Suite 107
Chandler, Arizona 85224-1571
(602) 926-3100, FAX: 926-3598EXHIBIT
1.

I. Technical/Engineering employees have been graduated
from McGill University, A.S.U. and Mesa Community College

II. Employees are members of:

- a. IEEB
Institute of Electrical Electronic Engineers
- b. NARTE
National Association of Radio & Telecom Engineers
- c. NSPE
National Society of Professional Engineers

III. Client base consists of manufacturers located in:

U.S.A.
ENGLANDCANADA
FRANCENORWAY
FINLANDSWEDEN
KOREAHONG KONG
TAIWANJAPAN
SINGAPORE

MALAYSIA

NEW ZEALAND
AUSTRALIA

28303

EXHIBIT
2.

Have made information 302 / 470-0000
Revised listing of release and limits
302 / 470-2222

NEWS

Federal Communications Commission

1910 - N Street, N.W.

Washington, D. C. 20554

FOR IMMEDIATE RELEASE
DATE: 04/03/95
TIME: 10:00 AM
BY: [REDACTED]

①

Report No. DC-95-28

ACTION IN DOCKET CASE

February 7, 1995

STREAMLINED CERTIFICATION PROPOSED TO SPEED UP MARKETING OF COMPUTERS (BT DOCKET 95-19)

The Commission has proposed to permit manufacturers and suppliers of computers and computer peripherals to market their equipment without having to submit an application for equipment authorization and seek FCC approval. Industry estimates that these rule changes will speed up the process of getting the products to market and save the industry approximately \$250 million annually. The change would also stimulate the creation of jobs and competition in the computer industry by relaxing regulations that the particularly burdensome for small manufacturers and would align the FCC equipment authorization requirements for personal computers with those used successfully in other parts of the world.

The Commission has proposed relaxing the equipment authorization requirements for personal computers and personal computer peripherals, from FCC certification to a new equipment authorization process based on a manufacturer's or supplier's declaration of compliance.

These devices are currently subject to authorization under the FCC's certification procedure to ensure that they do not cause interference to radio services such as TV broadcasting, aeronautical and maritime communications, amateur services, etc. Certification requires that a copy of all measurement data, accompanied by a detailed description of the product, be submitted to the Commission's Laboratory for review and approval. Only upon issuance of a grant of certification from the Commission is marketing or importation of the equipment permitted. This certification process takes about 35 days, but can take longer if additional information must be submitted to complete or correct the application. This delay has become increasingly costly to manufacturers given the rapid pace of personal computer technology, where product life cycles are often as short as six months.

Under the new procedure, FCC authorization would be replaced by a process based on a manufacturer's or supplier's Declaration of Conformity (DoC). In order to ensure that this equipment will continue to comply with the Commission's standards, the Commission also proposed requiring that laboratories performing measurements on these devices obtain accreditation by the National Institute of Standards and Technology under its National Voluntary Laboratory Accreditation Program.

(over)

28304

- 2 -

The Commission also proposed the option of permitting personal computers to be authorized based on tests and DoCs of the individual components, without further testing of the completed assembly. Currently, personal computers must be tested and authorized based on the specific configuration of parts. Every time this configuration is changed, separate testing and authorization is required under the present rules.

Action by the Commission February 7, 1995, by Notice of Proposed Rulemaking

- PCC -

News Media contacts: Audrey Spiveck and Rosemary Kimball at (202) 418-0500.
Office of Engineering and Technology contact: John A. Reed at (202) 739-0704.

CERTITECH™
CORPORATION

TO: FCC Registered Lab Owners

March 8, 1995

What would be your reaction if you received a notice like the following:

This is to notify you that you are ~~required~~ to be "accredited" by NVLAP (National Voluntary Laboratory Accreditation Program) to remain in business. This "accreditation" will initially cost you approximately \$10,000 to \$20,000 in fees, plus \$5,000 to \$10,000 annually per location.

What is your reaction? Will you: #1 Get out your checkbook. Or,
#2 Tell the FCC and others that this is a bad idea.

I chose #2, and I encourage you to do the same. Unless you want to yield control of your business to NVLAP.

The FCC has proposed, at the encouragement of special interest groups, to ~~require~~ NVLAP "accreditation" for all FCC registered test laboratories. (NVLAP is not the best alternative.) This NVLAP proposal is buried in the fourth paragraph of the enclosed FCC News Release of February 7, 1995 regarding Report No. DC 95-28, ET Docket 95-19.

Enclosed also is my letter to Mr. Bill Caton, Secretary of the FCC. It highlights just some of the NVLAP problem areas and suggests an alternative. You may have other alternatives. I would appreciate receiving your comments.

I encourage you to do one or more of the following by the end of March and please send me a copy:

1. Send your own comments to Mr. Caton, referencing "Comments on NPRM . . ." as I have.
2. Or you are welcome to make a copy of my letter, attach your business card, write "I agree" on the letter, and sign it.
3. Send your comments, and a copy of your Caton letter, to your Senators and Representatives. (Since I did not know the names and addresses of all of my Congressional representatives, I called the Reference Desk at my local Library.)
4. Inform your clients of the proposed changes in person, or with a newsletter, to encourage them to also send their comments to Mr. Caton, Congress and their trade organizations.* NVLAP will excessively increase the costs to our clients for testing services.
5. Contact anyone else whom you feel could be helpful.

PLEASE SEND TO ME A COPY OF YOUR COMMENTS and your suggestions.

* If you would like to receive a copy of the information I will be sending to our clients, and a copy of attorney Torry Mahn's analysis of the FCC's proposed action on all aspects of this Notice of Proposed Rulemaking, please send to me a stamped (.55¢), self-addressed, #10 envelope. Also enclose your business card.

Please act now. The FCC is expected to act on this proposal by May or June. Don't wait! The future of your business, and your checkbook, is at stake.

Sincerely,
CERTITECH Corporation


David C. Blockson
President

PRODUCT SAFETY - INTERNATIONAL COMPLIANCE ENGINEERS - EMC

FCC VDE UL C-UL CSA CEMR CE CB Scheme TUV IEC VCCI IEC 9000 UN ICAD

ENGINEERING FDA DOT IATA TESTING NEMKO SAKKO IMBRO AS SETI CONSULTING ULN950 CBA950 IEC950 SEMINARS

8800 Irvine Center Drive, Building B, Irvine, CA 92718

Telephone: (714) 453-2680

FAX: (714) 453-8508

CERTITECH™
CORPORATIONEXHIBIT
4.

February 27, 1995

Mr. Bill Caton, Secretary
Federal Communications Commission
1919 "M" Street N.W.
Washington D.C. 20554

Re: Comments on NPRM (FCC 95-46), Report No. DC 95-28, ET Docket 95-19

With respect, serious flaws exist in the above mentioned proposal to require NVLAP "accreditation" of EMI test laboratories: "... that laboratories performing measurements on these devices obtain accreditation by the National Institute of Standards and Technology under its National Voluntary Laboratory Accreditation Program." Later in this letter I suggest an alternative accreditation proposal to the NVLAP scheme. Your consideration of the following comments is appreciated:

1. The FCC should continue to be the regulatory and oversight body in the United States, including the upgrading of a lab recognition/accreditation program (as I later outline.) The FCC should not abdicate or delegate its responsibilities to any organization, especially NVLAP. No entity is needed between the FCC, labs and manufacturers.
2. The NVLAP "accreditation" scheme is a duplication of existing FCC expertise and capabilities.
3. The NVLAP scheme will not lower EMC testing costs, as is being said by some proponents. It adds unnecessary bureaucracy and costs, which are a deterrent to domestic and international trade. NVLAP costs to labs/manufacturers are exorbitant, as testified to by numerous former or present NVLAP labs.
4. The NVLAP "accreditation" program for EMI laboratories has a record of failure and lack of participation for the past several years. NVLAP has no experience.
5. NIST has said that "... the (NVLAP) program would have no domestic value," (Stanley Warsaw, NVCASE/NIST, Brussels, 1994) Mandating this failed "voluntary" program is a mistake.
6. The Europeans are not requiring NVLAP. Europe does not recognize "accreditors". "Europe only needs to be satisfied that U.S. labs are competent." The FCC can accredit for BOTH the U.S. and world recognition.
7. The NVLAP scheme will reduce competition among U.S. laboratories by dramatically increasing costs and complexity, driving some out of business. (The NVLAP scheme is promoted by a few domestic and foreign "special interests" who are aware that this decreased competition will be the result.)
8. The NVLAP scheme increases complexity, bureaucracy, and raises the significant possibility of both technical and administrative conflicts between NVLAP and the FCC.
9. NVLAP is supported by a very few of the almost 150 FCC registered testing laboratories in the U.S., as the limited NVLAP "membership" roster shows. While the American Council of Independent Laboratories (ACIL) may support the program, its membership includes only a small handful of the 150 FCC registered labs in the U.S..

PRODUCT SAFETY - INTERNATIONAL COMPLIANCE ENGINEERS - EMC

FCC VDS UL C-UL CSA CSEPR CE CB Dehemo TUV EMC VCCI ISO 9000 UN ICAD

ENGINEERING FMA DOT LATA TESTING NEMKO SEMKO DENKO AS SETI CONSULTING UL900 CSA900 IEC900 SEMINARS

8800 Irvine Center Drive, Building B, Irvine, CA 92718

Telephone: (714) 453-2680

FAX: (714) 453-8508

I could go on. But just these facts weigh heavily against a NVLAP program. A strengthened program of EMI test laboratory regulation and oversight by the FCC is necessary and beneficial. While an FCC rule change may be necessary, as well as expansion of the FCC's current laboratory recognition program, it is a small price to pay for eliminating the added bureaucracy, complexity and costs of NVLAP. Following is an outline of an alternative to the NVLAP scheme, which accomplishes the same objectives without the unnecessary complexities and costs of NVLAP.

- (1) Increase the frequency of ANSI C63.4 EMI test site registration with the FCC to perhaps one or two years, rather than the present three years. Adopt the same program for manufacturer lab sites;
 - (2) Increase information in this site registration requirement to include statements of adherence to procedures, documentation, etc. The guidelines already exist. Elements should include: (a) The CBEMA test report format, which the FCC and the industry have embraced; (b) Utilize IEC/ISO Guide 25 regarding "Technical Competence of Testing Laboratories"; (c) And ISO/IEC 38 for "Acceptance of Testing Laboratories." (The lab would legally and professionally obligate itself to these Standards by signing Test Reports for clients, and periodic Certification of Compliance to the FCC. Failure to adhere to procedures, etc. would result in FCC restrictions on the lab and/or fines, similar to what the FCC Enforcement Division does with manufacturers. This enforcement capability is already set up by the FCC. In addition, falsification of self-certification statements could potentially result in judicial action and fines.);
 - (3) Reinstate the FCC's program to periodically inspect labs, either by the FCC or by subcontractors, if necessary. The FCC has the experience and expertise. The same for the proposed EMI antenna calibration program. NOT inexperienced, expensive NVLAP;
 - (4) The FCC is also the logical entity to become involved in the development, regulation and oversight of EMI Immunity/Susceptibility compliance, which will become a factor in U.S. compliance;
 - (5) Lab/manufacturer fees to the FCC would fund this program. Fees for annual test site registration, grantee codes, an initial FCC l.d. fee, plus perhaps an annual fee to maintain the FCC l.d. by product line or product, FCC staff (or subcontractor) inspection and travel costs, etc.;
- PLUS
- (6) Strengthen FCC enforcement (and fines) for noncompliance, DOYEN labs and manufacturers. The FCC's current enforcement program against manufacturers is woefully inadequate, as the vast majority of "compliant" manufacturers will agree. This lack of enforcement robs sales revenue from legitimate, compliant U.S. manufacturers, distributors and dealers;
 - (7) The transition period for any accreditation program, particularly one this extensive, should provide for at least four years to comply;
 - (8) This proposal does not affect the other aspects of the proposals in ET Docket 95-19.

Thank you for your consideration. CERTITECH has been an FCC registered test laboratory since 1983. Your comments are welcome.

Sincerely,
CERTITECH Corporation

David C. Blockson
President

DATE: Comments must be received on or before May 1, 1995.

ADDRESS: Comments may be mailed to Mr. W.D. Rube, Commandant (G-MMI), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20003-0001, or may be made by telephone at (202) 267-1430, or by fax at (202) 267-1416.

FOR FURTHER INFORMATION CONTACT: Mr. W.D. Rube, Marine Investigation Division, Office of Marine Safety, Security and Environmental Protection, telephone, (202) 267-1430.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this process by submitting written data, views, or arguments, or verbal comments. Persons submitting comments should include their names and addresses, identify this notice (CGD 95-023) and the specific question to which each comment applies, and give the reasons for each comment. Please submit two copies of all written comments and attachments in an unbound format, no larger than 8 1/2 by 11 inches, suitable for copying and electronic filing.

Drafting Information

The principal persons involved in drafting the document are Mr. W.D. Rube, Project Manager, and Commander P.A. Foxley, Assistant Division Chief, Merchant Vessel Inspection and Documentation Division, Office of Marine Safety, Security and Environmental Protection.

Background and Purpose

The marine casualty investigation process is the main feedback loop for Coast Guard prevention programs. This measurement function has never been more important as limited resources must be focused on those activities which will be most effective in minimizing the risks to personnel and the environment.

Under the authority of 46 U.S.C. Chapter 83, the Coast Guard conducts marine casualty investigations. Section 6301 of Title 46, U.S. Code, requires the Secretary to issue regulations for the investigation of marine casualties. This authority has been delegated to the Coast Guard which has promulgated regulations and procedures for the reporting and investigation of marine casualties. These regulations appear in 46 CFR parts 4 and 5. Under current law and regulations, the marine industry has a duty to report marine casualties, as defined in law and regulations, to the

Coast Guard. There is more confusion regarding which casualties must be reported and a general concern that there is little benefit in reporting and investigation many of the "minor" casualties.

The Chief, Office of Marine Safety, Security, and Environmental Protection has established a Quality Action Team (QAT) to review the investigation process. The QAT will examine the process and recommend improvements. It will consider public comment during its review. The review will address collection and analysis of casualty data, casualty reporting requirements, casualty investigation procedures, investigator training and qualification requirements, and the use of investigations for Suspension and Revocation proceedings, civil penalty assessments, and potential criminal prosecutions.

The QAT specifically solicits responses to the following questions:

1. What changes would you recommend to the reporting requirements for marine casualties in 46 CFR part 4?
2. How could the reporting criteria be improved to help eliminate confusion concerning which incidents are reportable to the Coast Guard?
3. How could the Coast Guard satisfy its need for data collection on marine casualties while reducing some of the burden on industry to report casualties?
4. Would electronic or batch reporting of minor casualties be beneficial?
5. What would be the pros and cons of limiting Coast Guard activity on certain casualties to data collection while reserving in depth investigation to those casualties from which important lessons can be learned?
6. What would be the pros and cons of the Coast Guard not investigating those cases which the National Transportation Safety Board is investigating to reduce duplication of effort?

The QAT will consult with the marine industry to obtain insight on where investigation processes can be improved to benefit both the Coast Guard and industry. Small study groups may be formed, if appropriate, and public meetings may be held to get input from a broad interest base. If the Coast Guard decides to hold public meetings, the date, time, and locations will be announced by a later notice in the Federal Register.

Dated: March 15, 1995.

Joseph J. Appala,

Acting Chief, Office of Marine Safety Security and Environmental Protection.

(FR Doc. 95-0830 Filed 3-21-95; 8:45 am)

WILLIAM C000 4010-44-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 15

[ET Docket No. 95-19; FCC 95-40]

Streamlining the Equipment Authorization Procedures for Digital Devices

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This proposal would streamline the equipment authorization requirements for personal computers and personal computer peripherals by relaxing the equipment authorization from certification to a new type of authorization based on a manufacturer's or supplier's declaration of compliance. It would also permit authorization of individual components of personal computers and would require testing laboratories to be accredited by the National Institute of Standards and Technology under its National Voluntary Laboratory Accreditation Program. These changes would allow manufacturers and suppliers to market new equipment without having to submit an application for equipment authorization and await FCC approval. This would save industry approximately \$250 million annually and would stimulate the creation of jobs and competition in the computer industry by relaxing regulations that are particularly burdensome for small businesses.

DATE: Comments must be submitted on or before June 5, 1995, and reply comments on or before July 5, 1995.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: John A. Reed, Office of Engineering and Technology, (202) 776-1637.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making in ET Docket No. 95-19, adopted February 7, 1995, and released February 7, 1995. The complete text of this Notice of Proposed Rule Making is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington,

DC, and also may be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037. **Participation instructions:** The following collection of information contained in this proposed rule has been submitted to the Office of Management and Budget for review under Section 3304(h) of the Paperwork Reduction Act (44 U.S.C. 3304(h)). Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037. Persons wishing to comment on this collection of information should direct their comments to Timothy Fahn, (202) 305-3561, Office of Management and Budget, Room 10102 (NEC-10), Washington, DC 20503. A copy of any comments filed with the Office of Management and Budget should also be sent to the following address at the Commission: Federal Communications Commission, Office of Managing Director, Paperwork Reduction Project, Washington, DC 20554. For further information contact Judy Reley, Federal Communications Commission, (202) 418-0210. **Child Number:** None.

Title: Equipment Authorization—Declaration of Compliance.

Amendment of Parts 2 and 15.

Form: None.

Action: Proposed new collection.

Respondents: Businesses or other for profit.

Frequency of Response: On occasion.

Estimated Annual Response: 4000 respondents, 10 hours per response.

Needs and Use: Data collection will be used to investigate complaints of harmful interference to radio communications and to verify manufacturer's or supplier's compliance with the rules. The information collected is essential to controlling potential interference to radio communications.

Summary of the Notice of Proposed Rule Making:

1. In the Notice of Proposed Rule Making, the Commission proposes to amend parts 2 and 15 of its rules regarding the equipment authorization and testing requirements for personal computers, personal computer peripherals and individual components of personal computers.

2. Personal computers and personal computer peripheral devices are currently subject to authorization under our certification procedure to ensure that they do not cause interference to radio services such as TV broadcasting,

communications, amateur services, etc. We propose to relax the equipment authorization procedure for personal computers and peripherals from certification to a process based on a manufacturer's or supplier's Declaration of Compliance (DoC). The DoC is similar to the current verification procedure where testing is required to ensure compliance with the standards. The DoC would be packaged with the equipment and would include the following information: (1) Identification of the specific product covered by the declaration; (2) a statement that the product complies with part 15 of the FCC rules; (3) identification of the compliance test report by date and number; and, (4) identification by name, address and telephone number of the manufacturer, importer or other party located within the U.S. that is responsible for ensuring compliance with the rules. Marketing and importation could begin immediately following satisfactory testing and completion of the DoC.

3. In order to provide an additional safeguard that personal computers and peripherals continue to comply with the technical standards, we propose to require laboratories that perform measurements on these products to obtain accreditation by the National Institute of Standards and Technology (NIST) under its National Voluntary Laboratory Accreditation Program (NVLAP). NIST would review the qualifications of the testing personnel, quality control procedures, record keeping and reporting, etc. and send requested experts to observe the testing. Laboratory accreditation is generally required, either implicitly or explicitly, under most foreign government approval systems.

4. We also propose to permit modular personal computers to be authorized based on tests and DoCs of the individual components, i.e., enclosures, power supplies and mother boards, without further testing of the completed assembly. Currently, personal computers must be tested and authorized based on the specific combination of CPU board, power supply and enclosure used in their fabrication. Every time this configuration is changed, separate testing and authorization is required. Many computers are now assembled from modular components. Thus, this proposal will enable a small manufacturer or retailer to legally assemble computers and will also ensure that components used in the assembly result in a computer that complies with the standards. Comments

are invited on specific test procedures and standards that should be applied to mother boards, power supplies and enclosures.

Initial Regulatory Flexibility Analysis

5. As required by section 803 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the Notice, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis. The Secretary shall send a copy of this Notice of Proposed Rule Making, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. section 601 et seq. (1981).

Reason for action: This rule making proceeding is initiated to obtain comments regarding whether and how the Commission should regulate computers, peripheral devices to computers and subassemblies to computers.

Objectives: The Commission seeks to determine the standards, test procedures, and equipment authorization requirements that should be applied to computers as well as to CPU boards, power supplies, and enclosures used in personal computers in order: (1) To reduce regulatory burdens on computer manufacturers; (2) to remove impediments to flexible system design and construction techniques for computer; and (3) to reduce the potential for interference to radio services by improving our ability to ensure that personal computers comply with our standards.

Legal Basis: The proposed action is authorized under sections 4(i), 301, 302, 303(e), 303(f), 303(r), 304 and 307 of the Communications Act of 1934, as amended, 47 U.S.C. sections 154(i), 301, 302, 303(f), 303(r), 304 and 307.

Reporting, Recordkeeping and Other Compliance Requirements: CPU boards, power supplies, and enclosures designed for use in computers are proposed to be included under our standards and equipment authorization requirements. These components, which were not previously subject to our rules, will be included under an equipment authorization procedure similar to our

1983B Federal Register / Vol. 48, No. 25 / Wednesday, March 22, 1983 / Proposed Rules

validation procedure with the addition of a Declaration of Conformity that would be included with each product marked. In addition, we propose to permit any party to assemble computers from authorized CPU boards, power supplies, and enclosures without further testing provided the instructions accompanying the components are followed during assembly. Computers assembled in this fashion would also be accompanied by a Declaration of Conformity. Alternatively, the computer may be assembled using unauthorised components provided the resulting system is tested and accompanied by a Declaration of Conformity. While the measurement data, where required, must be retained by the responsible party, there is no requirement to file an application with, and obtain authorization from, the Commission prior to marketing or importation. Accordingly, we expect a significant decrease in the overall recordkeeping requirements.

Federal Rules Which Overlap, Duplicate or Conflict With These Rules: None.

Description, Potential Impact and Number of Small Entities Involved: The action proposed in this proceeding will result in a significant decrease in the amount of testing and Commission authorization of computer systems. Currently, every combination of components used to make a basic computer system must be tested and authorized prior to marketing or importation. This is extremely burdensome, especially on small manufacturers. Under the proposal, as long as authorized components are used to assemble the computers no additional testing or Commission authorization would be required. However, there will be some impact to the entities that manufacture computer CPU boards, power supplies and enclosures. We estimate there are 60-75 manufacturers of CPU boards and a smaller number of manufacturers of power supplies. No estimate is available on the potential number of manufacturers of enclosures. Even with this additional impact to the manufacturers of computer CPU boards, power supplies and enclosures, the overall workload will decrease.

Any Significant Alternatives Anticipating the Impact on Small Entities Consistent With Stated Objectives: None.

List of Subjects

47 CFR Part 2

Imports, Radio, Reporting and recordkeeping requirements.

47 CFR Part 15
Computer technology, Reporting and recordkeeping requirements.

Federal Communications Commission,

William F. Cohn

Acting Secretary

[FR Doc. 83-008 Filed 3-21-83; 8:45 am]
GSA GEN REG-83-4

47 CFR Part 68

80 Statute, 88-45; 84 88-004; FCC-8085;
and 88-0001

Foreign-Related Questions in the Matter of Market Entry and Regulation

ACTION: Federal Communications Commission.

SUMMARY: Proposed rule; extension of comment period.

Comments: The Federal Communications Commission has granted an extension of time in which to file comments and reply comments to the Notice of Proposed Rulemaking on Market Entry and Regulation of Foreign-Affiliated Entities. The Commission acted in response to Telephone Large Monitors to Puerto Rico, Inc.'s (TLMD) motion for an extension of time. Because of the broad range of complex legal, economic and policy issues raised in the Notice of Proposed Rulemaking, the Commission recognized the importance of resolving a complex and balanced presentation on the numerous issues, and found that an extension of time would help achieve this objective. The Commission, however, limited the extension of time to two weeks beyond the original due date for both the comments and reply comments. In addition to being concerned about a complete and balanced presentation on the issues, the Commission is equally interested in completing this proceeding in a timely manner, therefore it limited the requested extension to two weeks beyond the original due date.

As a result of the Commission order, the due date for comments in this proceeding has been extended to April 11, 1983, and the due date for the reply comments has been extended May 12, 1983.

Comments Due: April 11, 1983;

Reply Comments due: May 12, 1983.

Comments: All comments and reply comments concerning this Notice of Proposed Rulemaking should be addressed to: Office of the Secretary, Federal Communications Commission, Washington, DC 20544. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference

Center (Room 209) of the Federal Communications Commission, 1919 M St., NW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Troy Turner or Ean Seabright, International Bureau (202) 418-1470.

SUPPLEMENTARY INFORMATION:

Order:

Adopted: March 15, 1983.
Released: March 15, 1983.

By the Chief, International Bureau: 1. Telephone Large Monitors to Puerto Rico, Inc. (TLMD) requests that the time for filing Comments and Reply Comments to the Notice of Proposed Rulemaking¹ be extended four weeks. TRW Inc., EDS Mobile Communications, Inc., and Asarco/TEL Corporation join TLMD in this request.

2. This proceeding seeks comments on a broad range of complex legal, economic and policy issues involving the entry and regulation of foreign-affiliated entities in the U.S. telecommunications market. The issues raised have been the subject of much debate in recent years, and the Commission is interested in receiving a complete and balanced presentation on the numerous issues. While the Commission recognizes the wide range of issues to be addressed, it is also interested in completing this proceeding in a timely manner. Therefore, the Commission will limit the requested extension of time for Comments and Reply Comments to two weeks from the original due dates of March 22, 1983, and April 26, 1983, respectively.

3. Although the Bureau does not routinely grant extension requests, we find that an extension of the deadline for Comments to April 11, 1983, would be beneficial in this proceeding as it would enable the parties to fully develop their positions on the many issues raised in this proceeding. In addition, the Bureau will extend the deadline for filing Reply Comments to May 12, 1983. The parties should note, however, that the Bureau number extended to completing this proceeding in a timely manner and that no further extensions are contemplated.

4. Accordingly, pursuant to § 0.201 of the Commission's rules, 47 CFR 0.201, it is ordered that the deadline for filing Comments to the Notice of Proposed Rulemaking be extended to April 11, 1983, and the deadline for filing Reply Comments be extended to May 12, 1983.

Federal Communications Commission.

Scott M. Harris,

Chief, International Bureau.

[FR Doc. 83-7017 Filed 3-21-83; 8:45 am]

GSA GEN REG-83-4

¹ Notice of Proposed Rulemaking, ID Docket No. 83-42, RM-0085, RM-0086 (Released February 17, 1983), 80 FR 11644, March 2, 1983.